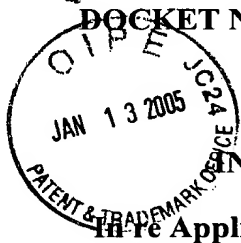


JAN 14 2005

2124  
PATENT *RFW*

DOCKET NO.: MSFT-1969(303316.10)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

Paul J. Lucas; Chris J. Hillery;  
Wesley N. T. Pope

**Confirmation No.:** 1899

**Application No.:** 09/645,014

**Group Art Unit:** 2124

**Filing Date:** August 23, 2000

**Examiner:** John Q. Chavis

**For:** Remote Software Installation And Maintenance

**EXPRESS MAIL LABEL NO:** EV 325727781 US  
**DATE OF DEPOSIT:** January 13, 2005

**EV325727781US**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
INDICATED IN THE NOTICE OF ALLOWANCE**

☒ This is a Request for Reconsideration of the Patent Term Adjustment indicated in the Notice of Allowance issued October 27, 2004, and includes a "Statement of the Correct Patent Term Adjustment with Basis(es) Under 37 CFR § 1.702 for the Adjustment." (37 CFR § 1.705(b)(2)(i), (ii) & (iv)).

☐ The issue fee is being paid as set forth in the papers attached hereto.

Any patent granted on this application (37 CFR §1.705(b)(2)(iii)):

☒ is not subject to a terminal disclaimer.

☐ is subject to a terminal disclaimer, and the expiration date specified in the terminal disclaimer is

As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in § 1.704 (37 CFR § 1.705(b)(2)(iv)).

☐ there were none (37 CFR § 1.705(b)(2)(iv)(B)).

01/18/2005 CNGUYEN1 00000037 09645014

01 FC:1455

200.00 0P

- ☒ these were as detailed in the following "Statement of the Correct Patent Term Adjustment with Basis(es) Under 37 CFR § 1.702 for the Adjustment." (37 CFR § 1.705(b)(2)(iv)(A)):

**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT:  
BASIS(ES) UNDER 37 CFR § 1.702 FOR THE ADJUSTMENT  
(37 CFR § 1.705(b)(2)(i), (ii), & (iv))**

**Correct Patent Term Adjustment**

The correct patent term adjustment indicated in the Notice of Allowance should have been: **464 days**

**Basis of Calculation for Correction**

PTO Delay: **587 days (96 days + 491 days)**

**96 days**

Response after Non-Final Action filed June 25, 2003

Mail Final Rejection on January 29, 2004

**491 days**

Patent Application filed August 23, 2000

Mail Non-Final Rejection on February 26, 2003

Applicant Delay: **123 days (91 days + 30 days + 2 days)**

**91 days**

Request for Continued Examination (RCE) filed July 29, 2004

Mail Final Rejection on January 29, 2004

**30 days**

Response after Non-Final Action filed June 25, 2003

Mail Non-Final Rejection on February 26, 2003 Non-final

**2 days**

Response after Non-Final Action filed June 25, 2003

IDS filed June 27, 2003

**Error in PTO PAIR System**

The PTO PAIR system shows an incorrect applicant delay of 71 days in view of completion of application requirements (i.e., Response to Notice of Missing Parts). The Response to Notice of Missing Parts (thereby completing all application requirements) was received in the PTO on December 26, 2000, based upon a Notice of Missing Parts issued by the PTO on October 16, 2000. Accordingly, since 3 months is provided for applicant response before assessing applicant delay to the Patent Term Adjustment, no applicant delay should correspond to Applicant's Response to Notice Missing Parts.

According to the Patent Term Adjustment History as indicated in PAIR, the application is noted as complete on March 28, 2001, and a 71 day delay is assessed. There

was no filing by applicant received in the PTO on March 28, 2001. For your convenience, a copy of the Patent Term Adjustment History as indicated in PAIR is attached. Applicant believes that this 71 day delay is incorrect.

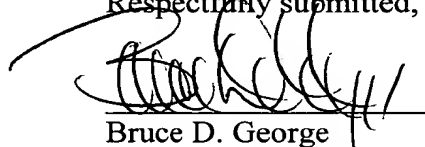
### Conclusion

Applicant respectfully requests reconsideration and correction of the patent term adjustment from 393 days (as noted in the Notice of Allowance issued October 27, 2004) to **464 days: i.e., (96 days + 491 days) – (91 days + 30 days + 2 days) = 464 days.**

### Fees

- ☒ A check in the amount of **\$200.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \_\_\_\_\_. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment, now and during the pendency of this application, to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Respectfully submitted,

  
Bruce D. George  
Registration No. 43,631

Date: Jan. 13, 2005

Woodcock Washburn  
One Liberty Place - 46<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 568-3100

JAN 13 2005

United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

## PATENT APPLICATION INFORMATION RETRIEVAL



Printer Friendly Version

**Patent Term Adjustment (PTA) for application number:  
09/645,014**

			Days
Filing or 371(c) Date:	08-23-2000	USPTO Delay (PTO):	587
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	194
Post-Issue Petitions (days):	+0	Total PTA:	393
USPTO Adjustment (days):	+0	Explanation of Calculations	

PAIR

FAQ

Help

Feedback

## Other Links

E-Business  
Center PatentsEmployee  
LocatorClass/Subclass  
GAU InformationInformation  
Contacts

Select Search Option

Assignments

Display References

File History

Image File Wrapper

Publication Review

Search

## Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
10-27-2004	Mail Notice of Allowance		
10-25-2004	Issue Revision Completed		
10-25-2004	Notice of Allowance Data Verification Completed		
10-25-2004	Case Docketed to Examiner in GAU		
10-25-2004	Notice of Allowability		
10-22-2004	Correspondence Address Change		
08-30-2004	IFW TSS Processing by Tech Center Complete		
08-26-2004	Date Forwarded to Examiner		
07-29-2004	Request for Continued Examination (RCE)		91
08-26-2004	Express Abandonment (for Entry of CPA / RCE / Rule129)		↑
07-29-2004	Workflow incoming amendment IFW		↑
08-03-2004	Mail Advisory Action (PTOL - 303)		↑
07-29-2004	Workflow - Request for RCE - Begin		↑
07-27-2004	Advisory Action (PTOL-303)		↑
06-29-2004	Date Forwarded to Examiner		↑
05-20-2004	Amendment after Final Rejection		↑
05-20-2004	Request for Extension of Time - Granted		↑
05-20-2004	New or Additional Drawing Filed		↑
01-29-2004	Mail Final Rejection (PTOL - 326)	96	↑

01-26-2004	Final Rejection	↑	
01-26-2004	Date Forwarded to Examiner	↑	
06-25-2003	Response after Non-Final Action	↑	30
06-25-2003	Request for Extension of Time - Granted		↑
06-27-2003	Information Disclosure Statement (IDS) Filed		2
04-08-2003	Correspondence Address Change		↑
04-08-2003	Change in Power of Attorney (May Include Associate POA)		↑
02-26-2003	Mail Non-Final Rejection	491	↑
02-24-2003	Non-Final Rejection	↑	↑
01-25-2003	Case Docketed to Examiner in GAU	↑	↑
02-26-2002	Case Docketed to Examiner in GAU	↑	↑
12-26-2000	Information Disclosure Statement (IDS) Filed	↑	↑
04-14-2001	Case Docketed to Examiner in GAU	↑	↑
03-29-2001	Application Dispatched from OIPE	↑	↑
03-28-2001	Application Is Now Complete	↑	71
03-27-2001	Correspondence Address Change	↑	↑
10-16-2000	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
10-16-2000	Correspondence Address Change	↑	
09-12-2000	IFW Scan & PACR Auto Security Review	↑	
08-23-2000	Initial Exam Team nn	↑	

---

[|.HOME|](#)[|INDEX|](#)[|SEARCH|](#)[|eBUSINESS|](#)[|CONTACT US|](#)[|PRIVACY STATEMENT](#)